

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
v.)	Case No. 3:22-cv-00049-NKM
)	
JOSHUA MAST, <i>et al.</i> ,)	
)	
<i>Defendants</i> ,)	
)	
and)	
)	
UNITED STATES SECRETARY OF)	
STATE ANTONY BLINKEN, <i>et al.</i> ,)	
)	
<i>Nominal Defendants.</i>)	
)	

**PLAINTIFFS’ RESPONSE TO DEFENDANT RICHARD MAST’S
NOTICE OF SUPPLEMENTAL AUTHORITY**

While Plaintiffs do not oppose Richard Mast’s (“R Mast”) recent submission of orders from the Supreme Court of Virginia and the Virginia Court of Appeals regarding the courts’ jurisdiction to hear interlocutory matters, Plaintiffs file this response to highlight the inaccuracy in R Mast’s assertion that “[t]he entirety of Plaintiffs’ case before this Court is based upon the false claim that Jane and John Doe are legal guardians of Baby Doe[.]” ECF No. 225 at 1.

Jane and John Doe’s assertion of guardianship is not “false,” but neither does the “entirety” of their claims rest on that assertion. At least Plaintiffs’ claims for fraud (Count II), conspiracy (Count III), and intentional infliction of emotional distress (Count IV) do not require a showing that Jane and John Doe were Baby Doe’s guardians. Further, Plaintiffs’ claim for

tortious interference with parental rights does not require that the adoption order obtained by Defendants Joshua Mast and Stephanie Mast (and procured by R Mast) be vacated – though it has been. *See* ECF No. 211-1. Thus, as further explained in opposition to the Defendants’ motions to dismiss, *see* ECF No. 113, there is no basis on which to abstain in this matter.

In addition, Plaintiffs note that one of R Mast’s “supplemental authorities” is a brief filed by Defendants Joshua Mast and Stephanie Mast in the Supreme Court of Virginia. *See* ECF No. 225-3. A brief filed by a party is not “authority,” supplemental or otherwise. *See, e.g., Mountain Valley Pipeline, LLC v. 8.37 Acres of Land, Owned by Terry*, -- F. Supp. 3d --, 2023 WL 2945316, at *3 (W.D. Va. April 14, 2023) (striking notices of supplemental authority because “the label belies their purpose because the submissions do not contain supplemental authority” but “additional argument”); *Baker v. Boeing Co.*, 2021 WL 2819460, at *25 (D. S.C. May 19, 2021) (striking notice of supplemental authority in part because “the exhibits that Plaintiff included . . . are not legal authority and cannot be provided to the Court under this misleading premise”).

Dated: June 6, 2023

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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